

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MARYLAND
3 Northern Division

4 -----X
5 IN THE MATTER OF THE COMPLAINT :
6 OF ETERNITY SHIPPING, LTD., AND : Civil Action No.:
7 EUROCARRIERS, S.A., FOR : L01CV0250
8 EXONERATION FROM OR LIMITATION :
9 OF LIABILITY :
10 -----X

11 Deposition of CAPTAIN HEINER POPP

12 Baltimore, Maryland

13 Thursday, October 6, 2005

14 10:15 a.m.

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20 Job No.: 1-64601

21 Pages: 1 - 93

22 Reported by: Beatriz D. Fefel, RPR

1 Deposition of CAPTAIN HEINER POPP held at
2 the law offices of:

3
4 OBER, KALER, GRIMES & SHRIVER
5 120 East Baltimore Street
6 9th Floor, Severn Room East
7 Baltimore, Maryland 21202-1643
8 (410) 685-1120

10
11
12 Pursuant to agreement, before Beatriz D.
13 Fefel, Registered Professional Reporter and Notary
14 Public of the State of Maryland.

1 APPEARANCES

2
3 ON BEHALF OF THE LIMITATION PLAINTIFFS,
4 EUROCARRIERS, S.A., AND ETERNITY SHIPPING, LTD.:
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12 ON BEHALF OF TATE & LYLE:
13 JEFFREY J. ASPERGER, ESQUIRE
14 ASPERGER ASSOCIATES, L.L.C.
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1 APPEARANCES (CONTINUED)

2
3 ON BEHALF OF AMERICAN BUREAU OF SHIPPING:
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11

12 ALSO PRESENT:
13 Mike Parnell

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<p>1 A The one on the left. This – these are the 2 two (indicating).</p> <p>3 Q Photo 18?</p> <p>4 A Photo 18. And you have them in Picture 17 5 as well.</p> <p>6 Q And in 16 as well, right?</p> <p>7 A And 16 as well.</p> <p>8 Q And in 16 they're the ones to the left?</p> <p>9 A Yes.</p> <p>10 Q All right. My question --</p> <p>11 MR. SAVILLE: Just at 16, they're the ones 12 that are to the left of the boom, not of the photo?</p> <p>13 MR. ASPERGER: Correct.</p> <p>14 MR. SAVILLE: Right.</p> <p>15 BY MR. ASPERGER:</p> <p>16 Q And my question is did you measure the 17 clearance between the sheave and the edges of the boom 18 structure -- or the, excuse me, the mast structure?</p> <p>19 A We looked at it, and it was not possible for 20 the wire to go in there.</p> <p>21 Q Okay. Based upon your observation?</p> <p>22 A Yes. That's something we looked for at the</p>	<p>85</p> <p>1 A The way it is designed by the manufacturer, 2 that is with the –</p> <p>3 Q The limit switch?</p> <p>4 A – limit switches engaged.</p> <p>5 Q Okay. When you -- if you can go to Exhibit 6 2, when you -- on the section on the Crane Wires, and 7 Mr. Asperger was asking you questions about the number 8 of broken wires exceeding the permissible number. 9 It's on Page 4.</p> <p>10 A Okay.</p> <p>11 Q I believe you had said that the, based on 12 your observation, the number of broken wires to which 13 you refer were something that was existing on the wire 14 prior to the incident, correct, not something that 15 happened as a result of the incident?</p> <p>16 A That's something I concluded because some of 17 the broken nests – I don't think that all of the 18 broken nests, but some of the broken nests were still 19 on the drum, and therefore there was no strain on 20 them.</p> <p>21 Q Based on your observations, can you tell us 22 as you sit here today when those breaks in the wires</p>
<p>1 time, that's why I had that remark in there with 2 the -- where I looked at sheaves and all that. We 3 looked at that, there was nothing that was -- and they 4 didn't need any guards because it was not the space 5 there.</p> <p>6 Q Okay. Thank you.</p> <p>7 MR. ASPERGER: Captain, I think that's all I 8 have. Let me check my notes. That's all I have. 9 Thank you very much.</p> <p>10 MR. SAVILLE: Captain, I've just got a 11 couple short followups.</p> <p>12 EXAMINATION BY COUNSEL FOR ABS</p> <p>13 BY MR. SAVILLE:</p> <p>14 Q Referring back to Exhibit 1 or 1-A, on the 15 last page, Page 5. Under the Crane Turning Radius 16 section, where the sentence reads, "Measurements were 17 taken from the center of the Crane Pedestal No. 4 18 forward. It was found that with boom raised to 19 maximum height," and then the sentence continues. 20 When you use the word "maximum height," are you 21 referring to the maximum height when it cuts out at 22 the limit, or all the way against the boom stops?</p>	<p>86</p> <p>1 that you observed took place?</p> <p>2 A No.</p> <p>3 Q Would it -- it would be pure guesswork to 4 try and determine at what point in time those breaks 5 took place, correct?</p> <p>6 A I would say yes.</p> <p>7 Q I thought I had one other thing, Captain.</p> <p>8 Oh. On the sheaves at the top of the boom, when you 9 saw them were the sheaves able to rotate, or were the 10 sheaves frozen in a position?</p> <p>11 A No.</p> <p>12 Q And I'm just referring to the luffing.</p> <p>13 A No. There was one sheave that was involved 14 where the new wire was in it, I don't know if it was 15 the one, but the wire slid out.</p> <p>16 Q Right.</p> <p>17 A You could turn it.</p> <p>18 Q Okay. So based on your observations, 19 neither of the -- or the sheave that you looked at, 20 neither of them were frozen, or only one, that you 21 were able to determine?</p> <p>22 A I – no, no. You cannot turn the sheave</p>